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Serial No. 10/750,894

Attorney Docket No. 1293.1805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Suk-Gyun HAN et al.

Confirmation No.: 2081

Application No.: 10/750,894

Group Art Unit: 2861

Filed: January 5, 2004

Examiner: Unassigned

For: LASER SCANNING UNIT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated October 20, 2003, an election of species requirement was made between the following five allegedly patentably distinct species:

- Species I, depicted in FIG. 4;
- Species II, depicted in FIG. 6;
- Species III, depicted in FIG. 7;
- Species IV, depicted v FIG. 8; and
- Species V, depicted in FIG. 9.

I. Provisional Election of Claims Pursuant to 37 C.F.R. § 1.146

Applicants provisionally elect to prosecute Species I in response to the preliminary election requirement set forth in the Office Action. Applicants respectfully submit that at least claims 1-13, 45, and 46 read on Species I.

II. Applicant Traverses the Election Requirement

Initially, Applicants submit that the election of species requirement is not well founded. A careful review of the subject application reveals that the various embodiments are so closely

related as to not require separate fields of search. Accordingly, neither Applicants nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

The Office Action acknowledges that claim 1 is generic to all five species. Applicants respectfully submit that independent claims 2-5, 45, and 46 are also generic to all five alleged species.

Lastly, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 C.F.R. §1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

III. Conclusion

Applicants respectfully submit, in view of the close relation between the various embodiments, the absence of a showing of a burden if the election requirement is not imposed, that the subject election of species requirement should be withdrawn.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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